

## REMARKS

### Response to Application's Claim Rejections

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

#### **I. Rejection of Claims 1-6, 8, 10-16, 18, 20-26, 28 and 30 Under §103(a) As Being Obvious In View Of Lewis (USPN 6,611,802)**

The Applicant respectfully argues that the Examiner commits clear error in this rejection because the Examiner mischaracterizes portions of the Lewis invention which leads her to incorrectly assert that portions of Lewis are comparable to analogous parts of the claimed invention (i.e., all of the claimed limitations are not disclosed in Lewis or obvious from the Lewis disclosure).

Before explaining the Applicant's reasoning for this assertion, it is pertinent to note that this same "mischaracterization" problem affected the Examiner's earlier decisions on this application and with regard to one (i.e., the creation of a new version of an electronic writing in which are inserted instructive editorial markings) of the very same claim limitations that will again be argued below.

It is a fact that this Examiner has previously:

(a) asserted that this same claimed limitation (i.e., the creation of a new version of an electronic writing in which are inserted instructive editorial markings), which appears in all of the Applicant's independent claims 1, 11 and 21, was to be found in both Hwang and Newbold,

(b) rejected the Applicant's written arguments to the contrary that were presented in his 11/11/04 and 4/19/05 filed Responses to the Examiner's outstanding Office Actions,

(c) but, when these same arguments were verbally presented to her, changed her mind on whether the cited prior art actually disclosed this claimed limitation and documented her change of mind in her 11/9/05 Interview Summary (i.e., The Applicant argues that Newbold does not disclose how one (e.g., a teacher) can create a new version of another's (e.g., a student's)

electronic writing in which one (i.e., the teacher) inserts editorial markings so as to provide feedback to the other (i.e., the student) who is seeking such instruction or feedback (on the quality of the student's electronic writing that had been submitted to the teacher for grading).

"The Examiner agreed."), and

(d) promised appropriate action by the Examiner, that would be consistent with her now changed position on the disclosure of this claimed limitation, if the Applicant would file a written response to the outstanding Final Office Action.

Thus, the Applicant was astounded to receive the Examiner's responsive current Office Action in which the Applicant hereby asserts that the Examiner makes the very same "mischaracterization" mistake as before and with regard to the very same claimed limitation (i.e., the creation of a new version of an electronic writing in which are inserted instructive editorial markings), but based on a new primary reference (i.e., Lewis).

With respect to the Applicant's independent claims 1, 11 and 21, the Examiner's characterization of Lewis is clearly seen to be a mistake because, among other reasons:

(A) Lewis does not disclose how one (e.g., a teacher) can create a new version of another's (e.g., a student's) electronic writing in which one (i.e., the teacher) inserts editorial markings so as to provide feedback to the other (i.e., the student) who is seeking such instruction or feedback.

The Examiner erroneously asserts that such a claimed limitation is disclosed in "FIG. 4 and the accompanying text beginning at col. 11, line 3", which reads as follows: "FIG. 4 is a flow chart illustrating a method for proofreading and correcting dictated text ...."

Upon examining Fig. 4, it is seen to be a flow chart with the following legends: "Begin", "Select Proofreading Criteria", "Playback Words", "Mark Textual Errors", "Edit Textual Errors" and "End".

Thus, it can be clearly seen that there is certainly no mention in FIG. 4 of any words, terms, expressions or ideas that disclose the cited claimed limitation of: "create a version of said electronic that has inserted into said version at least one of said insertable editorial markings (from preamble: so as to provide feedback to the other (i.e., the student) who is seeking such instruction or feedback).

On the contrary, what Lewis' invention seeks to create or yield is clearly an "electronic document containing a corrected version of dictated text that has been created by speech recognition software."

Such speech recognition software is known to create text with many "speech recognition" errors and to often require some means for proofreading to correct these "speech recognition errors." Lewis seeks to provide a new such "proofreading and correction" means.

Lewis doesn't have any intention to create "a new version of a student's electronic writing which has inserted into it editorial markings which can give the student instructive feedback on the quality of the student's original electronic writing."

As an intermediate step, Lewis' invention only underlines (see FIG. 3G) parts of the speech-recognition-software-created text that his invention then proofreads and underlines those parts that his invention has identified as needing correction. One using Lewis' invention then makes any needed corrections so as to yield an improved electronic document in which the speech recognition software created mistakes have been corrected.

Thus, the underlined text in Lewis' FIG. 3G is far from a disclosure of the Applicant's claimed limitation of "a new version of another's (e.g., a student's) electronic writing in which one (i.e., the teacher) inserts editorial markings so as to provide feedback to the other (i.e., the student) who is seeking such instruction or feedback" and as shown in the Applicant's FIGS. 3-6 and 8-11.

(B) No where in Lewis is there the claimed limitation of a "set of insertable editorial markings" as shown in the Applicant's FIG. 2.

The Examiner erroneously asserts that this limitation is to be found in FIG. 3E, etc. However, what is shown at the bottom of FIG. 3E is what Lewis himself describes as a "grammar rules option interface" that one may use by checking off specific boxes to help specify what level of proofreading it is that one wishes to be applied in trying to correct the expected mistakes in the text of a speech-recognition-software-created electronic document.

(C) The Examiner acknowledges that the claimed limitation of "saving information pertaining to said inserted marking in said computer system so as to establish a database that documents the use of said inserted markings in said writing" is not found in Lewis, but then erroneously asserts that "It would have been obvious to one of ordinary skill in the art .. to have

applied Lewis' teachings to include the saving step as claimed because it would have provided the capability for storing all the grammar rules (c.g., 27, FIG. 3E) that will be used when editing the electronic document".

This is clearly nonsensical reasoning since "storing, as the Examiner suggests, which "grammar rules" are being applied to edit a particular electronic document" is nothing like the claimed step of "storing data or information pertaining to, for example, how many times each one of a set of editorial markings (which are not disclosed in Lewis) are used by a teacher in grading a student's submitted electronic document." The later information gives the student and the teacher a means for tracking and quantifying over time a student's progress in improving as a writer. Storing "which grammar rules are being utilized for a particular editing task," rather than how many times each particular rule is actually used in the editing, cannot provide this valuable tracking "to assess student improvement" capability.

Since the Examiner's reasoning for the rejection of Claims 1, 11 and 21 is clearly seen to be wrong, the Applicant respectfully requests that these claim rejection be withdrawn.

With respect to the Applicant's dependent claims 2-6, 8, 10, 12-16, 18, 20, 22-26, 28 and 30, since these are now seen to depend from allowable independent claims 1, 11 and 21, the Applicant respectfully requests that the rejections of these dependent claims be withdrawn.

## **II. Rejection of Dependent Claims 4-6, 9, 14-16, 19, 24-26 and 29 Under §103(a) As Being Obvious In View Of Lewis (USPN 6,611,802) and Driscoll et al. (USPN 5,987,302)**

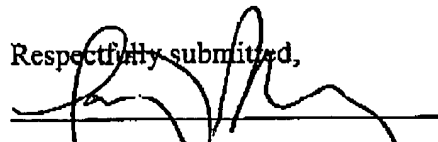
With respect to the Applicant's dependent claims 4-6, 9, 14-16, 19, 24-26 and 29, since these are now seen to depend from allowable independent claims 1, 11 and 21, the Applicant respectfully requests that the rejections of these dependent claims be withdrawn.

# REQUEST FOR RECONSIDERATION

In view of the above, it is submitted that the Applicant's claims are in condition for allowance. Reconsideration and allowance of amended claims 1-30 are requested.

Alternatively, with few amendments, it is submitted that these claims could easily be placed in a condition for allowance. The Applicant hereby requests that the Examiner establish informal communications with the Applicant's Attorney for the purposes of determining what form such amendments might take.

Respectfully submitted,

  
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6/1/06  
 Date

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